

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MICHIGAN

In re:

ROBIN L. KRUTEL,

Debtor.

Case No. BG 17-00047
Chapter 7

KELLEY R. BROWN,

Plaintiff,

Adversary Proceeding
No. 17-80052

-vs-

ROBIN THOMAS-KRUTEL
n/k/a ROBIN FROMILLE,

Defendant.

ORDER DISMISSING COMPLAINT FOR NO CAUSE OF ACTION

PRESENT: HONORABLE JAMES W. BOYD
United States Bankruptcy Judge

On April 10, 2017, Kelley R. Brown (the "Plaintiff") filed a complaint seeking a determination that Robin Thomas-Krutel (the "Defendant") owed him a nondischargeable debt under 11 U.S.C. § 523(a)(2)(A) or (a)(4). (AP Dkt. No. 1.) The complaint was subsequently amended on two occasions. Like the original complaint, the Second Amended Complaint, filed on August 31, 2018, asserts causes of action for fraud under § 523(a)(2)(A) ("Count I") and breach of fiduciary duty and larceny under § 523(a)(4) ("Count II"). (AP Dkt. No. 60.) A trial was held before this court on July 30, 2019. At the conclusion of the trial, the court took the matter under advisement.

On August 28, 2019, the court gave a bench opinion dismissing the Plaintiff's Second Amended Complaint for no cause of action. In accordance with the bench opinion, and for the reasons set forth therein;

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED that the Plaintiff's Second Amended Complaint in this adversary proceeding is DISMISSED for no cause of action.

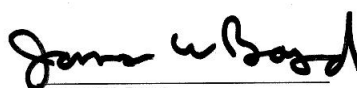
IT IS FURTHER ORDERED that the Clerk shall serve a copy of this order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon Nicholas S. Laue, Esq., attorney for the Plaintiff, and Michael M. Malinowski, Esq., attorney for the Defendant.

END OF ORDER

IT IS SO ORDERED.

Dated August 29, 2019




James W. Boyd
United States Bankruptcy Judge